

Montana Water Court  
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**FILED**  
06/30/2023  
Sara Calkins  
CLERK  
Montana Water Court  
STATE OF MONTANA  
By: D'Ann CIGLER  
41U-0081-R-2023  
Stern, Anika  
7.00

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
DEARBORN RIVER BASIN (41U)  
PRELIMINARY DECREE

\* \* \* \* \*

CLAIMANTS: SKC Minerals LLC; Soap Creek Cattle Co

OBJECTOR: SKC Minerals LLC

**CASE 41U-0081-R-2023**

41U 96857-00  
41U 96862-00  
41U 97058-00  
41U 97076-00  
41U 97089-00  
41U 97090-00  
41U 97116-00  
41U 97117-00  
41U 97118-00  
41U 97126-00

**NOTICE OF FILING OF MASTER'S REPORT**

This Master's Report was filed with the Montana Water Court on the above-stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must serve a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

## MASTER'S REPORT

### FINDINGS OF FACT

1. SKC Minerals, LLC (SKC) is the record owner of claims 41U 96857-00, 41U 97058-00, 41U 97076-00, 41U 97089-00, 41U 97090-00, 41U 97116-00, 41U 97117-00, 41U 97118-00, and 41U 97126-00; and SKC and Soap Creek Cattle Co. (Soap Creek) are record co-owners of claim 41U 96862-00.

2. Claims 41U 97058-00, 41U 97117-00, 41U 97118-00, and 41U 97126-00 were decreed with DNRC issue remarks.

#### **41U 97048-00:**

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

THE PRIORITY DATE MAY BE QUESTIONABLE. THIS CLAIM IS FOR A USE RIGHT ON HOGAN CREEK WITH A PRIORITY DATE PREDATING CASE NO 7608, LEWIS AND CLARK COUNTY. IF NO OBJECTIONS ARE FILED TO PRIORITY DATE OR TYPE OF HISTORICAL RIGHT, THESE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS REMARK WILL BE REMOVED.

#### **41U 97117-00:**

THE FLOW RATE IS MISSING.

#### **41U 97118-00 and 41U 97126-00:**

THE CLAIMANT DID NOT IDENTIFY THE PERIOD OF DIVERSION FOR THIS RIGHT. A PERIOD OF DIVERSION HAS BEEN ADDED TO MATCH THE PERIOD OF USE. IF NO OBJECTIONS ARE RECEIVED TO THE PERIOD OF DIVERSION OR PERIOD OF USE, THOSE ELEMENTS WILL BE DECREED AS SHOWN ON THIS ABSTRACT AND THIS ISSUE REMARK WILL BE REMOVED FROM THIS CLAIM.

RESERVOIR RECORD WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

Most of the above-listed issue remarks are notice-type remarks and do not require further attention.

3. SKC objected to all the claims in the Case. SKC objected to domestic claim 41U 96857-00, indicating the following changes should be made:

#### **Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	SENESEW	NESESEW	8	18N	5W	LEWIS AND CLARK
<b>Period of Diversion:</b>		JANUARY 1 TO DECEMBER 31				
<b>Diversion Means:</b>		PIPELINE				

**Place of Use:** Please add POUs, below

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.00		NWSWSE	8	18N	5W	LEWIS AND CLARK
<b>Total:</b>		1.00					

Additional POU Listings:							
ID	Acres	Govt	Qtr Sec	Sec	Twp	Rge	County
2			SENESEW	8	18N	5W	Lewis & Clark
3			SWNWSE	8	18N	5W	Lewis & Clark
4			NESESEW	8	18N	5W	Lewis & Clark

SKC objected to stock claim 41U 96862-00, indicating the following change should be made:

**Point of Diversion and Means of Diversion:**

ID	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	SENESEW	NESESEW	8	18N	5W	LEWIS AND CLARK
Period of Diversion:		JANUARY 1 TO DECEMBER 31				
Diversion Means:		PIPELINE				

SKC objected to stock claim 41U 97058-00, indicating the following changes should be made:

Reservoir:	ONSTREAM					
	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
	N2N2NW	NENENW	25	19N	6W	LEWIS AND CLARK
Diversion to Reservoir: DIVERSION # 1						
Dam Height:		13.00 FEET				
Depth:		10.00 FEET				
Surface Area:		5.90 6.00 ACRES				
Capacity:		23.60 20.00 ACRE-FEET				

SKC objected to stock claim 41U 97076-00, indicating:

POD and POU legal land descriptions should be corrected to include the stretch of Flat Creek on SKC Minerals, LLC property within Sections 5, 6, and 8, T18N R5W (Certificate of Survey 3002904) to reflect the historic extent of stock water use from Flat Creek.

SKU objected to stock claims 41U 97089-00 and 41U 97090-00 indicating the following change should be made to the claims to reflect historical use:

Diversion Means:	LIVESTOCK DIRECT FROM SOURCE	DEVELOPED SPRING
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SKC objected to domestic claim 41U 97116-00, indicating:

POD legal land description should be corrected to the NWNWSE of Section 35, and the POU legal land descriptions to the NWNWSE and SWSWNE of Section 35, both T19N R6W. The volume should also be corrected to 5.5 AF/year to reflect domestic use at two households and 1 acre of lawn & garden irrigation as described on the original Statement of claim filing.

SKC objected to stock claim 41U 97117-00, indicating:

POD legal land description should be corrected to the NWNWSE of Section 35, and the POU legal land description to the NENESW of Section 35, T19N R6W to reflect historic and actual POD/POU locations.

SKC objected to stock claim 41U 97118-00, indicating the following change should be made:

\*Reservoir: ONSTREAM

	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		W2NWNW	2	18N	6W	LEWIS AND CLARK
Diversion to Reservoir:	DIVERSION # 1					
Dam Height:	20.00	43.00	FEET			
Depth:	16.00	40.00	FEET			
Surface Area:	18.27	45.60	ACRES			
Capacity:	116.93	62.40	ACRE-FEET			

SKC objected to stock claim 41U 97126-00, indicating the following changes should be made:

Reservoir:	ONSTREAM					
	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		SWNESE	28	19N	6W	LEWIS AND CLARK
Diversion to Reservoir:	DIVERSION # 1					
Dam Height:	16.00	43.00	FEET			
Depth:	12.00	40.00	FEET			
Surface Area:	3.75 ACRES					
Capacity:	18.00	45.00	ACRE-FEET			

4. A deadline was set for SKC to file evidence to resolve its Objections and support the historical use of claims 41U 96857-00, 41U 96862-00, 41U 97076-00, 41U 97116-00, and 41U 97117-00, along with maps and proposed abstracts, where appropriate.

5. On March 29, 2023, SKC filed evidence and information to resolve its Objections. (Doc. 2.00). Based on the information provided by SKC, in addition to the changes described in Finding of Fact No. 3 above, SKC filed information supporting the following changes to claims 41U 97076-00, 41U 97116-00, and 41U 97117-00:

#### 41U 97076-00:

Point of Diversion and Means of Diversion: Please add additional PODs, below:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			2	18N	6W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: LIVESTOCK DIRECT FROM SOURCE

Place of Use: Please add additional POUs, below:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1				2	18N	6W	LEWIS AND CLARK

Additional POD & POU Listings:

ID	Govt	Qtr Sec	Sec	Twp	Rge	County
2		S2SE	36	19N	6W	Lewis & Clark
3		SE	6	18N	5W	Lewis & Clark
4		SW	5	18N	5W	Lewis & Clark
5		N2	8	18N	5W	Lewis & Clark

\*\*PODs are all 1/1 to 12/31 PerOD and Livestock direct from source. THANK YOU!

#### 41U 97116-00:

Volume: 4.00 2.00-AC-FT

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	<span style="border: 1px solid red; padding: 2px;">NWNWSE</span>	SWSWNE	35	19N	6W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

Place of Use: See revised POU, below

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.00		SWSWNE	35	19N	6W	LEWIS AND CLARK
Total:		1.00					

##### Additional POU Listings:

<u>ID</u>	<u>Acres</u>	<u>Govt</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	0.5		NWNWSE	35	19N	6W	Lewis & Clark
2	0.5		SWSWNE	35	19N	6W	Lewis & Clark
Total 1.0							

#### 41U 97117-00:

Flow Rate: 50.00 GPM

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	<span style="border: 1px solid red; padding: 2px;">NWNWSE</span>	SWSWNE	35	19N	6W	LEWIS AND CLARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: PIPELINE

6. A deadline was set for Soap Creek to file a statement agreeing or disagreeing that the point of diversion for stock claim 41U 96862-00 should be modified as follows:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	<span style="border: 1px solid red; padding: 2px;">SENESW</span>	NESESW	8	18N	5W	LEWIS AND CLARK

7. On June 14, 2023, Lorne Krone of Soap Creek Cattle Co. filed a statement agreeing with the point of diversion legal land description modification for claim 41U 96862-00 described in Finding of Fact No. 6.

### PRINCIPLES AND CONCLUSIONS OF LAW

1. The Water Court is required to address all issue remarks decreed on a claim as well as any objections the claim receives. Sections 85-2-233, 85-2-247, and 85-2-248, MCA.

2. A properly filed Statement of Claim for an existing water right is prima facie proof of its content. Section 85-2-227, MCA. This prima facie validity may be overcome by evidence showing that one or more elements of the claim are incorrect. This standard of proof applies to objectors or claimants objecting to their own water right

claims. Rule 19, W.R.Adj.R., *Nelson v. Brooks*, 2014 MT 120; 375 Mont.86, 95; 329 P.3d 558, 564.

3. The notice-type issue remarks decreed on claims in this Case have served their purpose. As the Objections have been resolved, no further proceedings are required.

#### RECOMMENDATIONS

1. Claims 41U 96857-00, 41U 96862-00, 41U 97058-00, 41U 97076-00, 41U 97089-00, 41U 97090-00, 41U 97116-00, 41U 97117-00, 41U 97118-00, and 41U 97126-00 should be modified as shown in Findings of Fact Nos. 3 and 5.

2. All issue remarks should be removed from claims in this Case.

Post Decree Abstracts of Water Right Claims are served with the Report for review.

#### **ELECTRONICALLY SIGNED AND DATED BELOW.**

##### **Service Via Electronic Mail:**

Benjamin S. Sudduth  
Sudduth Law, PLLC  
1050 East Main Street, Suite 3B  
PO Box 507  
Bozeman, MT 59771-0507  
(406) 272-2390  
benjamin@sudduthlaw.com

##### **Service via USPS Mail:**

Soap Creek Cattle Co  
PO Box 272  
Augusta, MT 59410-0272

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
DEARBORN RIVER  
BASIN 41U**

**Water Right Number:** 41U 96857-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SKC MINERALS LLC  
PO BOX 6196  
DENVER, CO 80206 6196

**Priority Date:** DECEMBER 31, 1890

**Type of Historical Right:** USE

**Purpose (use):** DOMESTIC

**Flow Rate:** 30.00 GPM

**Volume:** 3.00 AC-FT

**Households:** 2

**Maximum Acres:** 1.00

**Source Name:** SPRING, UNNAMED TRIBUTARY OF FLAT CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENESEW	8	18N	5W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PIPELINE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	1.00		NWSWSE	8	18N	5W	LEWIS AND CLARK
2			SENESEW	8	18N	5W	LEWIS AND CLARK
3			SWNWSE	8	18N	5W	LEWIS AND CLARK
4			NESESEW	8	18N	5W	LEWIS AND CLARK

**Total:** 1.00

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

96857-00

96862-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
DEARBORN RIVER  
BASIN 41U**

**Water Right Number:** 41U 96862-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SOAP CREEK CATTLE CO  
PO BOX 272  
AUGUSTA, MT 59410 0272

SKC MINERALS LLC  
PO BOX 6196  
DENVER, CO 80206 6196

**Priority Date:** DECEMBER 31, 1890

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** 30.00 GPM

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** SPRING, UNNAMED TRIBUTARY OF FLAT CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SENE SW	8	18N	5W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PIPELINE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SENE SW	8	18N	5W	LEWIS AND CLARK
2			NESE SW	8	18N	5W	LEWIS AND CLARK

**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

96857-00

96862-00



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
DEARBORN RIVER  
BASIN 41U**

**Water Right Number:** 41U 97058-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SKC MINERALS LLC  
PO BOX 6196  
DENVER, CO 80206 6196

**Priority Date:** DECEMBER 31, 1891

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** HOGAN CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NENENW	25	19N	6W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	N2N2NW	25	19N	6W	LEWIS AND CLARK

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 13.00 FEET

**Depth:** 10.00 FEET

**Surface Area:** 5.90 ACRES

**Capacity:** 23.60 ACRE-FEET

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			N2N2NW	25	19N	6W	LEWIS AND CLARK

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
DEARBORN RIVER  
BASIN 41U**

**Water Right Number:** 41U 97076-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SKC MINERALS LLC  
PO BOX 6196  
DENVER, CO 80206 6196

**Priority Date:** OCTOBER 30, 1864

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** FLAT CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			2	18N	6W	LEWIS AND CLARK
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
2		S2SE	36	19N	6W	LEWIS AND CLARK
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
3		SE	6	18N	5W	LEWIS AND CLARK
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
4		SW	5	18N	5W	LEWIS AND CLARK
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
5		N2	8	18N	5W	LEWIS AND CLARK
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
<b>Period of Use:</b> JANUARY 1 TO DECEMBER 31						

**Place of Use:**

<b><u>ID</u></b>	<b><u>Acres</u></b>	<b><u>Govt Lot</u></b>	<b><u>Qtr Sec</u></b>	<b><u>Sec</u></b>	<b><u>Twp</u></b>	<b><u>Rge</u></b>	<b><u>County</u></b>
1				2	18N	6W	LEWIS AND CLARK
2			S2SE	36	19N	6W	LEWIS AND CLARK
3			SE	6	18N	5W	LEWIS AND CLARK
4			SW	5	18N	5W	LEWIS AND CLARK
5			N2	8	18N	5W	LEWIS AND CLARK

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
DEARBORN RIVER  
BASIN 41U**

**Water Right Number:** 41U 97089-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SKC MINERALS LLC  
PO BOX 6196  
DENVER, CO 80206 6196

**Priority Date:** OCTOBER 30, 1864

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** SPRING, UNNAMED TRIBUTARY OF FLAT CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWNE	34	19N	6W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DEVELOPED SPRING

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSWNE	34	19N	6W	LEWIS AND CLARK

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
DEARBORN RIVER  
BASIN 41U**

**Water Right Number:** 41U 97090-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SKC MINERALS LLC  
PO BOX 6196  
DENVER, CO 80206 6196

**Priority Date:** OCTOBER 30, 1864

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** SPRING, UNNAMED TRIBUTARY OF FLAT CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWSWNE	34	19N	6W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DEVELOPED SPRING

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWSWNE	34	19N	6W	LEWIS AND CLARK

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
DEARBORN RIVER  
BASIN 41U**

**Water Right Number:** 41U 97116-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SKC MINERALS LLC  
PO BOX 6196  
DENVER, CO 80206 6196

**Priority Date:** DECEMBER 31, 1890

**Type of Historical Right:** USE

**Purpose (use):** DOMESTIC

**Flow Rate:** 50.00 GPM

**Volume:** 4.00 AC-FT

**Households:** 1

**Maximum Acres:** 1.00

**Source Name:** SPRING, UNNAMED TRIBUTARY OF FLAT CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWSE	35	19N	6W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PIPELINE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	0.50		NWNWSE	35	19N	6W	LEWIS AND CLARK
2	0.50		SWSWNE	35	19N	6W	LEWIS AND CLARK
<b>Total:</b>	1.00						

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

97116-00      97117-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
DEARBORN RIVER  
BASIN 41U**

**Water Right Number:** 41U 97117-00 STATEMENT OF CLAIM

**Version:** 4 -- POST DECREE

**Status:** ACTIVE

**Owners:** SKC MINERALS LLC  
PO BOX 6196  
DENVER, CO 80206 6196

**Priority Date:** DECEMBER 31, 1890

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** 50.00 GPM

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** SPRING, UNNAMED TRIBUTARY OF FLAT CREEK

**Source Type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWSE	35	19N	6W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** PIPELINE

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			SWSWNE	35	19N	6W	LEWIS AND CLARK
2			NWNWSE	35	19N	6W	LEWIS AND CLARK

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**Remarks:**

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

97116-00

97117-00

**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
DEARBORN RIVER  
BASIN 41U**

**Water Right Number:** 41U 97118-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SKC MINERALS LLC  
PO BOX 6196  
DENVER, CO 80206 6196

**Priority Date:** DECEMBER 31, 1890

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** UNNAMED TRIBUTARY OF FLAT CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		W2NWNW	2	18N	6W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	W2NWNW	2	18N	6W	LEWIS AND CLARK

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 20.00 FEET

**Depth:** 16.00 FEET

**Surface Area:** 18.27 ACRES

**Capacity:** 116.93 ACRE-FEET

THE DAM EXTENDS INTO THE NENE SEC 3 TWP 18N RGE 6W LEWIS AND CLARK COUNTY.

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			W2NWNW	2	18N	6W	LEWIS AND CLARK



**POST DECREE  
ABSTRACT OF WATER RIGHT CLAIM  
DEARBORN RIVER  
BASIN 41U**

**Water Right Number:** 41U 97126-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Owners:** SKC MINERALS LLC  
PO BOX 6196  
DENVER, CO 80206 6196

**Priority Date:** DECEMBER 31, 1902

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** UNNAMED TRIBUTARY OF FLAT CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWNESE	28	19N	6W	LEWIS AND CLARK

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** DAM

**Reservoir:** ONSTREAM

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
	SWNESE	28	19N	6W	LEWIS AND CLARK

**Diversion to Reservoir:** DIVERSION # 1

**Dam Height:** 16.00 FEET

**Depth:** 12.00 FEET

**Surface Area:** 3.75 ACRES

**Capacity:** 18.00 ACRE-FEET

**Period of Use:** JANUARY 1 TO DECEMBER 31

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NESE	28	19N	6W	LEWIS AND CLARK